

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN KELLEY,

Plaintiff,

No. CIV S-03-1548 DFL EFB P

vs.

B. WILLIAMS, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. On March 6, 2007, he filed a motion for the court to appoint counsel and to stay the taking of his deposition until counsel has been appointed.

District courts lack authority to require counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The court finds that there are no exceptional circumstances in this case.

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1           Accordingly, IT IS HEREBY ORDERED that plaintiff's March 6, 2007, motion for  
2 appointment of counsel and to stay his deposition is denied.

3 DATED: April 9, 2007.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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